

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
PLAINTIFF,	:	
	:	CIVIL ACTION NO. 2:14-cv-393
-v.-	:	
	:	
FIFTY-SIX THOUSAND THREE	:	
HUNDRED TWENTY-SIX AND	:	
00/100 (\$56,326.00) IN	:	
UNITED STATES CURRENCY,	:	
	:	
DEFENDANT.	:	

VERIFIED COMPLAINT FOR FORFEITURE

Now comes the Plaintiff, United States of America, by and through its undersigned attorney, Deborah F. Sanders, Assistant United States Attorney, and respectfully states as follows:

1. This is a civil action in rem brought to enforce the provisions of 21 U.S.C. §881(a)(6), which provides for the forfeiture of the above-referenced currency as moneys or other things of value furnished or intended to be furnished in exchange for a controlled substance, or represent proceeds of trafficking in a controlled substance, or were used or intended to be used to facilitate one or more violations of 21 U.S.C. §841 et seq., and is therefore forfeitable to the United States of America.

2. The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§1345 and 1355.

3. Venue is proper in this District pursuant to 28 U.S.C. §§1355 and 1395.

4. Defendant is Fifty-Six Thousand Three Hundred Twenty-Six and 00/100 Dollars (\$56,326.00) In United States Currency (hereinafter "Defendant Currency").

5. The Defendant Currency was seized on or about October 27, 2009, by officers with the Columbus Division of Police "CPD") Strategic Response Bureau ("SRB") and CPD Narcotics In-Tac team during the execution of a state search warrant at the residence of Earl Tyson ("Tyson") located at 2016 Friston Boulevard, Columbus, Ohio 43206. The defendant is located within this District and will remain within this District during the pendency of this action.

6. In September of 2009, Tyson came to the attention of law enforcement as a narcotics trafficker through a confidential source ("CS 1") proven to be reliable. CS 1 advised that Tyson was using three (3) locations and two (2) automobiles to conduct his narcotics trafficking activities. CS 1 advised that Tyson used 1686 East Whittier Street to cook and sell narcotics, 4152 Highgate to sell narcotics and 2016 Friston Boulevard to store money. Based on the information provided by CS 1, CPD officers began conducting surveillance on all three addresses.

7. On September 11, 2009, CPD Detective Whitacre while conducting surveillance at 2016 Friston Blvd., observed a 2002 maroon

Chevrolet, Ohio License Number EPL3054 parked in the driveway in the early morning and again in the evening. The maroon Chevrolet was observed parked in front of 1686 East Whittier in the afternoon. The 2002 maroon Chevrolet, Ohio License Number EPL3054 is registered to Earl Markell Tyson.

8. Detective Whitacre observed the 2002 Chevrolet at the Friston Boulevard location on September 14, 15, 17, and 29, 2009.

9. On September 17, 2009, Detective Whitacre conducted a trash pull from a City of Columbus trash container located behind the 1686 East Whittier location. Detective Whitacre searched the trash and located residency papers with the Name Earl Tyson and the address 1686 East Whittier Street. Also in the trash Detective Whitacre found plastic bags with residue and an empty plastic bag box. One of the plastic bags was field tested and tested positive for cocaine. The items were place in the CPD property room. Detective Whitacre observed the maroon Chevrolet parked in front of the Whittier Street residence during the trash pull.

10. On September 24, 2009, Detective Whitacre conducted a trash pull from a City of Columbus trash container located behind 1686 East Whittier Street. Detective Whitacre searched the trash and located two (2) receipts with the Whittier Street address and plastic bags with residue. Some of the residue was field tested and

tested positive for cocaine. The items were place in the CPD property room.

11. On this same date, Detective Whitacre obtained a search warrant to attach a GPS tracking device on Tyson's 2002 maroon Chevrolet. In the days following the installation of the tracking device the 2002 maroon Chevrolet was tracked to numerous locations including 1686 East Whittier Street, 2016 Friston Boulevard, 4152 Highgate and 1972 Winding Creek.

12. On September 29, 2009, Detective Whitacre conducted surveillance at the Whittier Street residence and observed the 2002 maroon Chevrolet parked in front of the residence.

13. On October 8, 2009, Detective Whitacre along with CPD Detective Weir while conducting surveillance at the Whittier Street residence observed several individuals standing in front of the residence including Tyson. The detectives observed a vehicle driven by an individual identified as Mario Lee arrive at the Whittier Street residence and shortly thereafter, Lee, an unidentified female and Tyson entered the residence. After a short period of time, Lee and the unidentified female exited the residence, got in the vehicle and left the residence. CPD Detective Weir was able to follow the vehicle from the residence. When CPD Patrol Officers stopped the vehicle for traffic violations, Lee was discovered to be in possession of marijuana and crack cocaine. Lee made statements to

the officers that he got the drugs from someone named "Earl". Lee later pled guilty to possession of drugs in Franklin County Municipal Court.

14. On October 9, 2009, Detective Whitacre on surveillance observed Tyson's white Cadillac Ohio License Number EXL 3187 parked in the garage at the 2016 Friston Boulevard residence.

15. On or about October 10, 2009, a confidential source ("CS 2"), proven to be reliable, contacted CPD Detective Smith and stated that the person who was stopped leaving 1686 Whittier Street (Lee) told Tyson that the police were aware of him and his residence on East Whittier Street. CS 2 stated that Tyson was going to stop selling because the police were watching him and he had removed the drugs from the East Whittier location. Following the October 8, 2009, traffic stop Detective Whitacre checked the East Whittier location and monitored the trafficking device. He did not observe any vehicles at the Whittier Street location and the trafficking device showed that the maroon Cadillac was not detected at the East Whittier location.

16. On October 12, 2009, Detective Whitacre was conducting surveillance at 2016 Friston and observed Tyson driving his white Cadillac Ohio License Number EXL 3187 near his Friston Boulevard residence. Detective Whitacre was able to follow Tyson and observed him park the Cadillac in the garage of the Friston residence.

17. On October 22, 2009, Detectives Whitacre and Ehrenborg were conducting surveillance on Tyson's 2002 maroon Chevrolet with the tracking device and observed the vehicle leave 2016 Friston and travel to 1686 Whittier Street. This is the first time since the October 8, 2009, traffic stop that Tyson's maroon Chevrolet had been to the Whittier Street location. Detective Whitacre drove by the Whittier Street location and observed the vehicle parked in front of the residence and what appeared to be Tyson sitting on the couch in the living room. No other individuals were observed in the residence. Shortly thereafter a vehicle arrived and parked directly behind Tyson's Chevrolet. The driver exited the vehicle entered 1686 East Whittier and a short time later exited the residence and drove west on Whittier Street. Detective Whitacre was able to follow the vehicle and in the area of Parsons and Whittier CPD officers conducted a vehicle stop for traffic violations. The driver, Roger Wright, was found to be in possession of two (2) bags of marijuana. The items were placed in the CPD property room. Detective Ehrenborg later observed what appeared to be Tyson exit the Whittier Street residence, enter the maroon Chevrolet and proceed to 2016 Friston Boulevard.

18. Pursuant to the above, on October 27, 2009, officers with CPD obtained and executed a state search warrant at the Tyson's residence located at 2016 Friston Boulevard, Columbus Ohio that

resulted in the seizure of: AR-15 magazines and ammunition; cell phones; miscellaneous drug paraphernalia; and, the Defendant Currency in the amount of \$56,326.00 from various locations in the residence.

19. The United States alleges that the Defendant Currency constitutes moneys or other things of value furnished or intended to be furnished in exchange for a controlled substance, or represent proceeds of trafficking in a controlled substance, or were used or intended to be used to facilitate one or more violations of 21 U.S.C. §841 et seq., and is therefore forfeitable to the United States of America pursuant to 21 U.S.C. §881(a)(6).

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

(a) That the Court find probable cause to believe that the Defendant Currency is forfeitable to the United States of America under 21 U.S.C. §881(a)(6);

(b) That under 21 U.S.C. §881(b), 18 U.S.C. §981(b), and Supplemental Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Court issue a Warrant of Arrest in Rem for the arrest and seizure of the Defendant Currency based on this verified complaint, to bring the Defendant Currency within the jurisdiction of the Court for purposes of this statutory forfeiture action;

(c) That notice of this action be given to all persons and entities known or thought to have an interest in or right against the Defendant Currency, to appear and show cause why the forfeiture should not be decreed;

(d) That notice of this action be given by advertising in accordance with Rule G(4) Supplemental Rules for Certain Admiralty and Maritime Claims, of the Rules of Civil Procedure;

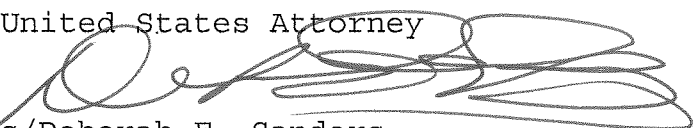
(e) The Court decree that forfeiture of the Defendant Currency to the United States of America is confirmed, enforced and ordered;

(f) The Court order the government to dispose of the Defendant Currency as provided by law;

(g) That Plaintiff be awarded its costs and disbursements in this action; and, such other relief as this Court deems proper and just.

Respectfully submitted,

CARTER M. STEWART
United States Attorney



s/Deborah F. Sanders

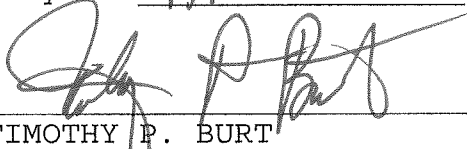
DEBORAH F. SANDERS (0043575)
Assistant United States Attorney
Attorney for Plaintiff
303 Marconi Boulevard
Suite 200
Columbus, Ohio 43215
(614)469-5715
Fax: (614)469-5240
Deborah.Sanders@usdoj.gov

VERIFICATION

I, Timothy P. Burt am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the case agent assigned to this case. I have read the contents of the foregoing Verified Complaint for Forfeiture, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28 day of APRIL 2014.



TIMOTHY P. BURT
Special Agent
ATF